

MINUTES OF THE PLANNING COMMISSION MEETING OF NOVEMBER 01, 2006, AT 6:00 P.M. HELD IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBER.

MEMBERS PRESENT: Tom Bowen, Jim Keane, Geoff Armstrong, JoAnn Frost, Jerri Harwell, Doug Haymore, Gordon Nicholl

EXCUSED: Sue Ryser, Amy Rosevear,

STAFF PRESENT: Planning Director Michael Black, Associate Planner Glenn Symes, Planning Intern Bill Cobabe, City Attorney Shane Topham

OTHERS PRESENT: Barney Carlson, Brent Lund, J. Sciumbato, Russ & Debbie Manne, Jason Thomas, Brent Robinson, Jill Cushing, Lynn Paul, Paul Belnap

Chair Bowen called the meeting to order.

1.0 **PUBLIC COMMENT**

1.1 No public comment was given.

2.0 **ACTION ITEM – REMAND AND SITE PLAN AMENDMENT – ROYAL OAKS ESTATES**

2.1 Mr. Black stated that Royal Oaks was approved by the Planning Commission as a 15 lot PUD on May 3, 2006. Since that time the development has been held up by an appeal of the decision submitted by the Royal Lane Homeowners Association (*the "RLHOA"*), which was forwarded to the Board of Adjustment (*the "BOA"*). The BOA subsequently made a decision which included sending the development back to the Planning Commission for a few distinct reasons. Those reasons follow:

1. Open Space. The BOA agreed with the RLHOA that the ground which was dedicated for Creek Road should not be counted towards open space calculations.
2. Construction of Wall. The BOA remanded this item to the Planning Commission to determine if the wall was appropriate due to factors such as flood control.
3. The BOA rejected the assertion by the RLHOA that the density in the project was calculated incorrectly.
4. Safety. The BOA remanded the development to the Planning Commission to determine whether:
  - a. Royal Lane was private or public, and;
  - b. If there were mitigating measures that could be required to make the travel of pedestrians on that road safer.

2.2 Chair Bowen asked the representatives of the Royal Lane Homeowners Association as to whether the open space issue had been resolved.

Scott Clark representing the Royal Lane Home Owners Association stated the issue had been resolved.

2.3 Chair Bowen asked about the construction of the wall and if the issue had been resolved.

Scott Clark stated an agreement was close and that the wall would be 6' from the easement and backed by a hedge with an emergency gate.

Barney Carlson reiterated that an agreement should be reached soon.

Mr. Black discussed flood control access and location of the wall in relation to the flood control areas.

Scott Clark explained the wall along Creek Road will be replaced with a wrought iron fence with a 12' gate in the flood control easement.

Barney Carlson reiterated the agreement.

- 2.4 Mr. Haymore asked if there was a plan in place that would allow for the construction of the improvements not located on Mr. Carlson's property and owned by the home owners association.

Paul Belnap explained that the some of the improvement are located on Royal Lane, while the fence is located on Barney Carlson's property.

- 2.5 Mr. Haymore asked if the curb would be 4" or 6".

Mr. Black stated it is shown as a 6" curb.

Paul Belnap stated that a 6" curb would be fine.

Barney Carlson stated he was agreeable to the 6" curb.

- 2.6 Scott Clark explained that if Barney Carlson would agree to construct a 6" curb, 6' wide sidewalk, and 6' fence that do not narrow the easement they would withdraw the appeal on the issue.

Chair Bowen allowed for a continuance on the issue to allow time for Barney Carlson and Scott Clark to discuss the safety issues. This item is continued as item 8.

- 3.0 Mr. Topham explained during the work session he had been asked to discuss the transfer of private ownership to public use. There needs to be clear and convincing proof that the roadway has been used publicly. The party asserting the change has the burden of proof.

- 4.0 **PUBLIC HEARING – AMENDMENT TO TITLE 19 REGARDING SUPPLEMENTARY AND QUALIFYING REGULATIONS.**

- 4.1 Mr. Symes explained the item was a text amendment to the Supplementary and Qualifying regulations regarding fences. The proposal would allow for administrative approval of 8' fences around the side or rear property lines.

4.2 Chair Bowen opened the public hearing.

4.3 No public comment was given.

4.4 Chair Bowen closed the public hearing.

4.5 **MOTION:** Mr. Nicholl moved to approve the change to Title 19. The motion was seconded by Ms. Frost and passed 6-0 with Mr. Haymore abstaining.

5.0 **PUBLIC HEARING – ZONE CHANGE – KIM MENZEL**

5.1 Chair Bowen stated the item had been cancelled and would not be heard at this time.

6.0 **PLANNING DIRECTOR'S REPORT**

6.1 Mr. Black gave brief updates on the Wasatch Office Complex, Meadows Zone Change and the City Center master plan.

7.0 **CONTINUED DISCUSSION – ROYAL OAKS ESTATES**

7.1 Paul Belnap stated that an agreement between Scott Clark and Barney Carlson has been reached. The agreement states that from the start of Royal Lane on the south end there will be a 6" raised cement curb, 6' gravel path, and 3' fence on to the homeowner's property. The developer will keep the road as straight as possible, moving the sidewalk closer to Mr. Carlson's land.

Mr. Clark added that they will remove the de-annexation land clause from the verbiage of the agreement.

7.2 Chair asked if the appeal was being withdrawn or was it still being pursued.

Mr. Clark stated the appeal was being withdrawn.

7.3 Mr. Haymore stated that the withdrawal of the appeal at this meeting is on the record and is binding.

7.4 Mr. Black asked for a formal letter of withdrawal is needed.

7.5 Paul Belnap spoke about the de-annexation, which is not the purview of the Planning Commission.

7.6 Chair Bowen asked for the Home Owner's Association President to confirm the withdrawal of the appeal.

Brent Robinson the President of the Royal Lane Home Owner's Association withdrew the appeal.

7.7 Mr. Black explained that the following changes would be added to the site plan;

1. 6" Curb
2. Location of a fence along Royal Lane
3. Location of a 6' gravel walkway
4. Wrought iron fence to be installed on the Royal Oaks property down Royal Lane from Creek Road to the flood control easement.
5. Where the fence runs into the flood control easement a 12' gate will be installed to allow for emergency access and maintenance.
6. The 20 percent open space would be totally contained within the Planned Unit Development boundaries and none of which is in Creek Road.
7. The bend in the road on Royal Lane will be straightened.

7.8 Scott Clark asked for the continued assistance of city as to the road's safety and maintenance.

Mr. Black stated that during construction there may be assistance in assuring the walkway is constructed correctly, but the road needs to be maintained by the Home Owners Association.

7.9 **MOTION:** Ms. Frost moved to approve the amended plat with the conditions that have been discussed and the recommendations made by staff. The motion was seconded by Mr. Armstrong and passed unanimously on voice vote.

8.0 **MOTION:** Mr. Armstrong moved to adjourn the meeting. The motion was seconded by Mr. Nicholl and passed unanimously on voice vote.

Meeting adjourned at 7:50 pm

Approved: 12-06-2006 sm